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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PAINTERS JOINT COMMITTEE, et  
al.,

2:10-CV-1385 JCM (PAL)

Plaintiffs,

v.

J.L. WALLCO, INC. Dba  
Wallternatives, et al.,

Defendants.

**ORDER**

Presently before the court is the matter of *Painters Joint Committee, et al. v. J.L. Wallco, Inc., et al.*, case no. 2:10-cv-1385-JCM-PAL. The following motions are pending:

- Motion to dismiss counterclaim filed by the State of Nevada, Department of Business and Industry. (Doc. # 317).
- Motion to dismiss filed by Great American Capital. (Doc. # 328).
- Motion to amend/correct the third amended complaint by plaintiffs. (Doc. # 335).
- Motion for default judgment by plaintiffs. (Doc. # 344).

This case has now been pending for over three years. It has been bifurcated, un-bifurcated, and stayed at the parties' requests. Plaintiffs have filed amended complaints, added nearly 100 additional defendants, and proceeded to dismiss them piecemeal. There are multiple counter defendants, cross defendants, and cross claimants. There have been multiple stipulations filed dismissing some claims against some defendants. The result is that the court is left trying to decipher

1 the voluminous filings in order to determine which claims are left, which parties are left, which  
2 claims are asserted by which parties, and which defenses are applicable to which parties. As has  
3 been previously highlighted by the court, the “scattershot” nature of these litigation tactics has  
4 rendered the docket nothing short of an incomprehensible mess.

5 It is well established that leave to amend should freely be given, and Rule 15 should be  
6 applied with extreme liberality. *See* Fed. R. Civ. P. 15; *see also Forman v. Davis*, 371 U.S. 178  
7 (1962). With the tortured procedural history of this case in mind, the court will grant plaintiffs’  
8 motion to amend the complaint. (Doc. # 335). This will be the final time the court grants such  
9 relief.

10 In light of the magistrate’s December 3, 2013, order modifying the discovery plan and  
11 scheduling order (doc. # 356) and, frankly, to clarify the docket, the court finds it in the interests of  
12 judicial economy to deny the pending motions without prejudice. With the amended complaint in  
13 mind, those motions may be re-filed as the parties see fit and in accordance with the deadlines set  
14 forth in the scheduling order. Plaintiffs are strongly encouraged to file an amended complaint which  
15 eliminates *all* unnecessary defendants so that this matter may proceed forward expeditiously.

16 As stated in the scheduling order, it is unlikely any further extensions will be granted due to  
17 the drawn-out nature of this case. Additionally, the court will not entertain any further motions to  
18 amend the complaint for the same reason.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiffs’ motion to amend  
21 (doc. # 335) be, and the same hereby is, GRANTED.

22 IT IS FURTHER ORDERED that the motion to dismiss counterclaim (doc. # 317), motion  
23 to dismiss (doc. # 328), and motion for default (doc. # 344) be, and the same hereby are, DENIED  
24 WITHOUT PREJUDICE.

25 DATED January 16, 2014.

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28 **UNITED STATES DISTRICT JUDGE**